

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD SANCHEZ AZEVEDO,

Petitioner,

v.

JOE LIZARRAGA, Warden,

Respondent.

No. C 14-0105 CW (PR)

ORDER TO SHOW CAUSE,  
GRANTING LEAVE TO  
PROCEED IN FORMA  
PAUPERIS

(Docket no. 2)

Petitioner, a state prisoner proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state criminal conviction. He also moves for leave to proceed in forma pauperis. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. Leave to proceed in forma pauperis is GRANTED.

2. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Petitioner at his current address.

3. No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Petitioner an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus

1 should not be issued. Respondent shall file with the Answer all  
2 portions of the state record that have been transcribed previously  
3 and are relevant to a determination of the issues presented by the  
4 petition.

5 If Petitioner wishes to respond to the Answer, he shall do so  
6 by filing a Traverse with the Court and serving it on Respondent  
7 within thirty days of his receipt of the Answer. If he does not  
8 do so, the petition will be deemed submitted and ready for  
9 decision on the date the Traverse is due.

10 4. No later than sixty days from the date of this Order,  
11 Respondent may file with this Court and serve upon Petitioner a  
12 motion to dismiss on procedural grounds in lieu of an Answer, as  
13 set forth in the Advisory Committee Notes to Rule 4 of the Rules  
14 Governing Section 2254 Cases.

15 If Respondent files such a motion, Petitioner shall file with  
16 the Court and serve on Respondent an opposition or statement of  
17 non-opposition to the motion within thirty days of receipt of the  
18 motion, and Respondent shall file with the Court and serve on  
19 Petitioner a reply within fourteen days of receipt of an  
20 opposition.

21 5. It is Petitioner's responsibility to prosecute this  
22 case. Petitioner must keep the Court informed of any change of  
23 address by filing a separate paper with the clerk headed "Notice  
24 of Change of Address," and must comply with the Court's orders in  
25 a timely fashion. He also must serve on Respondent's counsel all  
26 communications with the Court by mailing a true copy of the  
27 document to Respondent's counsel. Failure to do so may result in  
28

1 the dismissal of this action, pursuant to Federal Rule of Civil  
2 Procedure 41(b), for failure to prosecute.

3 6. Extensions of time are not favored, though reasonable  
4 extensions will be granted. Any motion for an extension of time  
5 must be filed no later than ten days prior to the deadline sought  
6 to be extended.

7 This Order terminates Dockets no. 2.

8 IT IS SO ORDERED.

9 Dated: 3/17/2014

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE